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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

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**JAN 10 2005**

In re Application of : **OFFICE OF PETITIONS**  
Girard et al. : DECISION GRANTING  
Application No. 10/733,878 : PETITION  
Filed: 10 December, 2003 :  
Attorney Docket No. BIOBANK.012A :

This is a decision on the petition under 37 C.F.R. § 1.183, filed on 22 November, 2004 (certificate of mailing date 8 November, 2004), requesting waiver of the requirement for submitting a Sequence Listing in connection with an Information Disclosure Statement.

The petition is **GRANTED** to the extent indicated.

Petitioners request waiver of 37 CFR 1.98 in that it requires submission of the Sequence Listing of PCT Publication Number WO 01/571190. Petitioners assert that the Sequence Listing for the subject publication is greater than 5,000 pages in length and is contained in a USPTO database. Petitioners apparently assert that submission of the Sequence Listing with the IDS would be unduly burdensome.

The submission requirement is waived only because a review of Office databases reveals that the above-referenced publication is contained in the USPTO Sequence Search Database. As such, submission of an additional copy of the Sequence Listing would serve no useful purpose. **However, the examiner may later require submission of an additional copy of the Sequence Listing if necessary.**

The application is being referred to Technology Center Art Unit 1632 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions